

AMENDMENTS TO THE CLAIMS

The listing of claims will replace all prior versions, and listings, of claims in the application.

Listing of Claims:

1. (Withdrawn) A process for computerized feedback control of administration of nutritional supplements in an organism, the process comprising:

providing a device effective to conduct a test comprising measuring tissue of a subject non-invasively, non-destructively, and in vivo, ascertaining the concentration of a selected molecular structure therein, and outputting a value corresponding thereto;

calibrating the device by operating the device to illuminate calibrated test samples to provide corresponding results by which to adjust repeatability of operation of the device;

illuminating tissue of a user by the device and detecting by the device from a response thereto a first measurement representing a first concentration of the selected molecular structure in the tissue at a first time;

analyzing and storing by the device the first measurement to provide to the subject a first output reflecting the first concentration;

selecting nutritional supplements corresponding to the selected molecular structure;

administering through ingestion by the subject the nutritional supplements over a period of time;

calibrating the device using a dark scan and the calibrated test samples to correct performance of the device over time;

illuminating tissue of a user and detecting by the device a second measurement representing second concentration of the selected molecular structure at a second time; and

analyzing and storing by the device the second measurement and outputting to the subject a second output reflecting the second concentration.

2. (Withdrawn) The method of claim 1, wherein calibrating further comprises providing a dark scan illuminating a target returning substantially no significant signal corresponding to the selected molecular structure in order to correct the first and second measurements thereby.

3. (Withdrawn) The method of claim 2, wherein calibrating further comprises providing a scan of a calibrated, artificial, test samples as substitutes for subjects.

4. (Withdrawn) The method of claim 3, wherein calibrating further comprises providing a scan of a plurality of test samples for scaling the first and second measurements

5. (Withdrawn) The method of claim 1, further comprising tracking by the device a compensation distribution to entities providing the nutritional supplement.

6. (Withdrawn) The method of claim 1, further comprising providing a server configured to upload data gathered from the device and control authorization for operation of the device.

7. (Withdrawn) The method of claim 6, wherein the server is programmed to calculate compensation owed to entities responsible for distribution of the nutritional supplement.

8. (Withdrawn) The method of claim 6, further comprising providing a communication interface to communicate between the device and a communications link operably connected to the server.

9. (Withdrawn) The method of claim 1, further comprising generating a certificate redeemable as compensation exchangeable for conducting a test.

10. (Withdrawn) The method of claim 9, further comprising distributing the certificate to a subject.

11. (Withdrawn) The method of claim 10, further comprising redeeming, by the subject the certificate by conducting a test to determine the first measurement.

12. (Withdrawn) The method of claim 10, further comprising distributing the certificate to a subject and redeeming thereof by the subject by conducting a test to determine the second measurement.

13. (Withdrawn) The method of claim 10, further comprising:

distributing the certificate to a subject and redeeming thereof by the subject by conducting a first test to determine the first measurement; and

distributing a second certificate to a subject and redeeming thereof by the subject by conducting a second test to determine the second measurement;

and distributing to the subject the nutritional supplement directed to altering a third measurement to a value greater than the second measurement.

14. (Withdrawn) An apparatus for testing by non-destructive, non-invasive, illumination and re-radiation response of concentrations of selected molecular structures in biological tissue, the apparatus comprising:

a testing device configured to take measurements of a selected molecular structure present in biological tissue of a subject;

a computing device operably connected to the testing device to provide an analysis of the measurements to determine a level of nutrient intake and delivery to the biological tissue corresponding to the selected molecular structure; and

a communications device to transmit data reflecting the analysis to a remote location for storage and processing.

15. (Withdrawn) The apparatus of claim 14, further comprising a computer readable medium providing for execution on the server an executable to track, analyze, and distribute funds for administration of nutritional supplements.

16. (Withdrawn) The apparatus of claim 15, further comprising:

a plurality of testing devices assigned to operators thereof, wherein:

testing devices of the plurality of testing devices are mobile and independent from one another; and

each testing device is configured to perform tests by illuminating and measuring a radiant response from live tissue and to determine a corresponding value reflecting concentration of a selected molecular structure relating to nutrition of subjects.

17. (Withdrawn) The apparatus of claim 16, further comprising a server at the remote location configured to receive directly uploaded data gathered by the plurality of testing devices, the server being programmed to track and calculate compensation due to each operator corresponding to tests performed thereby.

18. (Withdrawn) The apparatus of claim 17, further comprising a communications link to operably connect each testing device to the server.

19. (Withdrawn) A method for testing individuals for levels of nutrients, the method comprising:

providing, to an operator, a testing device effective to measure a selected indicator of a subject;

measuring, by the operator, the selected indicator;

classifying the subject within a class of individuals having common characteristics;

comparing the selected indicator measured in the subject to others in the class;

inferring, from the measurement, a level of nutrients existing in the subject; and

providing, to the subject, a health supplement directed to altering the level.

20. (Currently Amended) An apparatus for tracking and distributing royalty payments owed to a licensor for use of a ~~product~~ testing device and commission payments owed to operators of the testing device, the apparatus comprising:

a plurality of testing devices licensed from a licensor thereof, wherein:

each testing device of the plurality of testing devices is structured to be mobile and independent from one another; and

each testing device is further configured to measure selected molecular structures in live tissues relating to nutrition of each subjects tested thereby and to provide diagnostic information regarding risk of disease and/or risk markers for disease;

a compensation system configured to upload directly data corresponding to use of the testing devices, the compensation system comprising:

an authorization server configured to manage and provide authorization to operators of the testing devices prior to operating of the testing devices, and further configured to track use of the testing devices;

a royalty system configured to allocate royalties due to the licensor based at least in part on use of the testing devices and a royalty schedule; and

a commission system configured to allocate compensation due to entities responsible for distribution of nutritional products associated with or directed to altering levels of the selected molecular structure in the subjects tested; and

~~wherein the server tracks data accumulated by each testing device, data corresponding to each subject, compensation due to each operator of each testing device, and royalty payments due to the licensor in accordance with the use the plurality of testing devices;~~
and

a communications link ~~operably operable for~~ connecting each testing device to the server compensation system.

21. (Previously Presented) The apparatus of claim 20, wherein each testing device is further configured to conduct a test comprising measuring tissue of a subject non-invasively, non-destructively, and in vivo, ascertaining the concentration of a selected molecular structure therein, and outputting a value corresponding thereto.

22. (Previously Presented) The apparatus of claim 20, wherein each testing device is further configured to perform tests by illuminating and measuring a radiant response from live tissue and to determine a corresponding value reflecting concentration of a selected molecular structure relating to nutrition of subjects.

23. (Previously Presented) The apparatus of claim 20, wherein the selected molecular structures include carotenoids.

24. (Currently Amended) The apparatus of claim 20, wherein the authorization server is further configured to control operation of one or more of the testing devices.

25-26. (Cancelled)

27. (Previously Presented) The apparatus of claim 20, wherein the apparatus further comprises a certificate server configured to generate and distribute certificates redeemable for use of the testing devices.

28. (Previously Presented) The apparatus of claim 27, wherein each certificate includes a certificate number associated therewith.